

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PHARMASTEM THERAPEUTICS, INC., a
Delaware corporation,

Plaintiff,

v.

VIACELL, INC., a Delaware corporation,
OBSTETRICAL AND GYNECOLOGICAL
ASSOCIATES, P.A., FEMPARTNERS, INC., a
Delaware corporation and CARITAS ST.
ELIZABETH'S MEDICAL CENTER OF
BOSTON, INC., a Massachusetts Nonprofit
Corporation,

Civil Action No. 04-CV-11673 RWZ

Defendants.

**[PROPOSED] ORDER GRANTING PLAINTIFF'S EMERGENCY MOTION FOR A
TEMPORARY RESTRAINING ORDER ENJOINING VIACELL FROM TAKING
FURTHER ACTION IN CIVIL ACTION NO. 04-1334-GMS IN THE DISTRICT
COURT FOR THE DISTRICT OF DELAWARE**

Having considered Plaintiff's Emergency Motion For A Temporary Restraining Order Enjoining Viacell From Taking Further Action In Civil Action No. 04-1334-GMS In The District Court For The District Of Delaware And Memorandum In Support Thereof, the Court having considered the materials and arguments presented to the Court in support thereof,

IT IS HEREBY ORDERED THAT, for the period of time authorized by Fed. R. Civ. P. 65, not to exceed ten (10) days, pending further briefing and oral argument in this Court on PharmaStem's concurrently filed Motion For An Injunction That Viacell is Enjoined From Taking Further Action In Civil Action No. 04-1334-GMS In The District Court For The District Of Delaware:

(a) ViaCell is enjoined from taking any action in Civil Action No. 04-1334-GMS in the District Court for the District of Delaware, including but not limited to appearing at oral

argument, filing any paper not authorized by this Order or subsequent Order of this court, and taking any discovery.

(b) ViaCell must, within one business day, inform the District Court for the District of Delaware of this Court's Temporary Restraining Order by filing this Order in Civil Action No. 04-1334-GMS in the District of Delaware, and serving this Order on all parties to that action.

DATED: _____

Rya W. Zobel
United States District Court Judge